ORDER RECEIVED PAR FILING
Date
By

IN RE: PETITION FOR ADMIN. VARIANCE S/S Deacon Brook Circle, 25' NE of the c/l Glen Granite Road (405 Deacon Brook Circle)

4th Election District
3rd Councilmanic District

Donald E. McCombs, et ux Petitioners * BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 99-115-A

*

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Donald E. and Judith A. McCombs. The Petitioners seek relief from Section 1802.3.8 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 20 feet in lieu of the required 30 feet to enclose a portion of an existing deck. The subject property and relief sought are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the

B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this _/5/day of October, 1998 that the Petition for Administrative Variance seeking relief from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 20 feet in lieu of the required 30 feet to enclose a portion of an existing deck, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

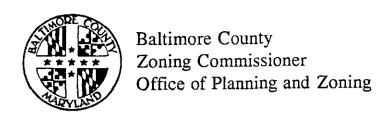
TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

ONDER RECEIVED FOR FILING



Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

October 15, 1998

Mr. & Mrs. Donald E. McCombs 405 Deacon Brook Circle Reisterstown, Maryland 21136

RE: PETITION FOR ADMINISTRATIVE VARIANCE

S/S Deacon Brook Circle, 25' NE of the c/l Glen Granite Road

(405 Deacon Brook Circle)

4th Election District - 3rd Councilmanic District

Donald E. McCombs, et ux - Petitioners

Case No. 99-115-A

Dear Mr. & Mrs. McCombs:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,
Munthy llotrace

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: People's Counsel

File

REVIEWED BY: SR DATE 9/15/98ESTIMATED POSTING DATE: 9/27/98



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 405 Deacon Brook Circle Reisterstown, Maryland which is presently zoned DR 3.5

This Petition shall be filed with the Dept. of Permits & Development Management
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached

hereto and made a part hereof, hereby petition for a Variance from Section(s)

hereto and made	a part hereof, he	ereby petition for	a Variance	from Sec	ction(s)	Section	n 113	?oź. 3.	R to	alle	رباه
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to enc	lose. a	setback poition	of	th e	rear	dec	lc.		, ,	,	•
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l. or we, agree t	o pay expenses	and advertised of above Variance ons and restriction	advertisii	ng, postin	ig, etc., up	on filing o	f this petiti	on, and fur ning Law fo	ther agree to or Baltimore	to and are to County.	to
				•	I/We do so legal owner	lemnly decla (s) of the pro	re and affirm, t party which is t	under the pena the subject of a	ulties of penjury this Petition.	, that I/we are	the
Contract Furchaser/Le	essee:				Legal Owne	er(s):					
							Donald E	. McComb	os		
(Type or Print Name)					(Type or Pri	nt Name)	Donal	ed E	M. Cen	bei	
Signature	-				Signa√re		Judith An	ne McCon	ıbs		
Address					Que	dith	an	ne Y	Mc Ca	anbe	<u>. </u>
City	St	ale	Zipcode		Signature				410-	833 - 3	2112
Attorney for Petitioner:					4	D5 Deaco	n Brook C	irde	•-	33-1253	h
(Type or Print Name)					Address				Phon	e No	
						Reisterst	own, Mar	yland 211	36		
Signature					City Name, Add	ess and pho	ne number of t	Statepresentative	e to be contacte	Zipcode ed	
Address	·	Phone No.			Name						
Čiy	Si	tate	Zipcode		Address			· -	Phone	No.	
i) at the subject mat	ler of this petition be	and/or found to be a sel for a public hear , and that the proper	ing , adverti:	sed, as requ	y the Zoning uired by the i	Commission oning Regu	er of Ballimo lations of Bal	re County, thi timore Count	s day of y, in two new:	, 1 spapers of ge	9 ≥neral

Printed with Soybean Ink on Recycled Paper

Zoning Commissioner of Baltimore County

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

405 Deacon Brook Circle

	Reisterstown	Maryland 21136	
 -	City	State	Zip Code
That based upon personal knowledge, the following Variance at the above address: (indicate hardship or practice)	ctical difficulty)		
The purpose of this petition is to obtain permission feet). When the deck was built in 1988, a variance was done to accommodate an enclosure by including double thickness on load bearing joists, and screen had obtained permission to eventually build a porce granted because: 1. The house is situated on the property in such a such that the terrain slopes too much to build a porch away to 27', well outside of the current rear 15' set back. 4. Access to the house is easiest from the rear of the would allow year round use of the structure. It would be obscured from our neighbors by Many neighbors have porches—403, 411, 41, 3, 6 Carlton Court, and 502, 506, 514 Gynw.	ing larger than required pil- ning in the flooring to previous. In addition to the above a way that it would leave in other parts of the lot. closest the porch would confirm the house where the current.	tings, pilings secured in the reasons, we believe insufficient back yard me to the rear property rent deck is located.	n concrete footings, We believed that we the petition should be to build a porch. y line is 20' falling
That Affiant(s) acknowledge(s) that if a protest is may be required to provide additional information.	s filed, Affiant(s) will be req	Δ	
Donald E. M. Combe		signature)	ne Mc Combo
(signature) Donald E. McCombs			ne McCombs
(type or print name)	RYLA	ype or print name)	
I HEREBY CERTIFY, this 6 day of 6 Maryland, in and for the County aforesaid, person	September 1	9 <u>98</u> , before me, a N	lotary Public of the State
the Affiants(s) herein, personally known or satisfac that the matters and facts hereinabove set forth are	ctorily identified to me as st e true and correct to the be	ich Affianti(s), and mac st of his/her/their knowl	le oath in due form of law edge and belief.
September 8, 1998	Múc NOTARY FUBLI	holle L.	Lockard
NOTARY PURIC	My Commission	Expires: May	22,1999
MICHELLE L. LOCKARD			
W. OHE CO.	7		

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at					
That the Attiant(s) does/do presently reside a	address		35 .11	21126	
		Reisterstown		21136	Zip Code
	City		State		·
That based upon personal knowledge, the foll Variance at the above address: (indicate hardship of	or practical diff	iiculty)			
the purpose of this petition is to obtain permited). When the deck was built in 1988, a various done to accommodate an enclosure by incouble thickness on load bearing joists, and so ad obtained permission to eventually build a	ance for a cluding larger creening in porch. In	rear set back of ger than required the flooring to paddition to the a	I pilings, pilings prevent insect int bove reasons, we	secured in rusion. We believe th	concrete footings, e believed that we e petition should be
ranted because: The house is situated on the property in s The terrain slopes too much to build a p It does not require a new set back since	orch m ofb	er parts of the 10	II.		
way to 27', well outside of the current rear 15' set b Access to the house is easiest from the r t would allow year round use of the stri	ack. ear of the l ucture.				
 It would be obscured from our neighbor Many neighbors have porches—403, 41 6 Carlton Court, and 502, 506, 514 C 	s by trees. 1, 414, 41 Jynwest Ro	oad.			
That Affiant(s) acknowledge(s) that if a protomay be required to provide additional information of the company	est is filed,	Aniants) will be	Judit	ans	ne McCo McCombs
(type or print name)	— /	MOYLAND	(type or print name	e)	
STATE OF MARYLAND, COUNTY OF BAI I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid,	i Sei	tembor	_, 19 <u> </u>	re me, a No	tary Public of the State
the Affiants(s) herein, personally known or sa that the matters and facts hereinabove set for	tisfactorily th are true	identified to me a	as such Affiantt(s) best of his/her/th), and made eir knowled	oath in due form of lavinge and belief.
September 8, 1998		MU NOTARY P	chelle	Z.1	Lockard
NOTARY PUS	(c)	My Commiss	ublic sion Expires: 1	ray:	22,1999
MICHELLE I LOCKARD					



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	405 Deacon Brook Circle	Reisterstown,	Maryland
- - -			

DR 3.5

which is presently zoned

This Petition shall be filed with the Dept. of Permits & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) Section 1802, 3.8 to allow a rear yard setback of 20 feet in lieu of the required 30 feet to enclose a portion of the rear deck.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

- Due to location of the house on the lot, insufficient space is available for a rear porch.
- Terrain slopes too much in other locations. 2
- Access to the house is easier to the rear of the house.
- The porch at its closest point to the rear property line would be 20°, falling away to 27°, present set back is 15°.
- A porch would allow year round use of the structure. 5.
- Other surrounding properties have porches 6.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			tWe do solemnly declare and affirm, und legal owner(s) of the property which is the		ihe
Contract Purchaser/Lessee:			Legal Owner(s):		
			Donald E. M	IcCombs	
(Type or Print Name)	- no native - "the stable has been"		(Type or Print Name) Ducld	EM Comba;	
Signature .			Signature		
			Judith Anne	McCombs	
Address			Judith anne	Mc Conla	
City	State	Zipcode	Signature	410- 833- 21	112 0
Attorney for Petitioner.			405 Deacon Brook Circ		hm
(Type or Print Name)		······································	Address -	Phone No	
			Reisterstown, Maryla	nd 21136	
Signature	<u> </u>		City Name, Address and phone number of repre	State Zipcode esentative to be contacted	
Address	Phone No.		Name		
City	State	Zipcode	. Address ·	Phone No.	
City A Public Hearing having been	State State	be required, it is orde		County, this day of, 19	



ESTIMATED POSTING DATE: 9/37/98_

circulation throughout Baltimore County, and that the property be reposted.





Zoning Commissioner of Baltimore County

Zoning description for 405 Deacon Brook Circle.

Beginning at a point on the south side of Deacon Brook Circle which is 50 feet wide at the distance of 25 feet northeast of the centerline of the nearest improved intersecting street of Glen Granite road which is 50 feet wide. Being known and designated as Lot #2, Block D, all as shown on the Plat entitled "Plat One, Chartley East", which Plat is recorded among the Land Records of Baltimore County in Plat Book O.T.G. #33 Folio 27, containing 12,162.39 square feet. Also known as 405 Deacon Brook Circle and Located in the 4th Election District, 3rd

Councilmanic District.

99-115-A #115

BALTIMORE COUNTY, MARYL OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 054722	
DATE $9/15/97$ ACCOUNT R		9/16/1998 9/15/1998 15:49:41 REG UESS CHEHTER HARL MRU DROWERS IN 5 MISCELLANOUS CASH RECEIPT
AMOUNT \$ 5		Releipt # 03°291 OFC/ J CF WD. 084722 50.00 HISDERN J Baltimore County, Waryland
FROM: Doholo McCona		
FOR: CODE 010 Zonin- 1	garioni e	9-115-A
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	Item #115	CASHER'S VALIDATION

CERTIFICATE F POSTING

ADMIN. VAR.

99-115-A

, KE	. Case No.:
	Petitioner/Developer: DON MECOMBS/ET
	Date of Hearing/Closing: 10/13/98
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	-
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
This letter is to certify under the penalties of perjury were posted conspicuously on the property located a	
The sign(s) were posted on $9/25$	198

NATION A REM YARD SETBACK OF 24 FEET.

ALKEN OF THE REQUIRED 30 FEET.

CASE# 99-115A 405 DEACON BROOK CIRCLE P- 9/25/98 H-10/13/98

Sincerely,

(Month, Day, Year)

Patrick M Okelo 9/28/98

PATRICK M. O'KEEFE (Printed Name) 523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030 (City, State, Zip Code)

410-666-5366; CELL-410-905-8571 (Telephone Number)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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Case I	Number 9	9-	115	-A	Addre	ess _	405	Deacon	Brook	Circ	./e
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3.	commission order that (typically	oner. t the within	He ma matter 7 to 10	y: (a) (be set days o	ate, the file wi grant the reque in for a public f the closing da ring. The order	ested : he ite) :	t relief; (b) aring. You as to wheth	deny the will rec er the pe	requested eive writte lition has	d reliet; en notifi been gr	or (c) ication
4.	(whether commission changed changed)	due oner) giving ertific	to a ne , notifica , notice	ighbor's ation wi of the h	S AND REPOS formal reques il be forwarded earing date, time ange and a pho-	st or d to ne ar	by order you. The location.	of the zo sign on As whe	oning or o the prop n the sign	ieputy a erty mu was ori	zoning ust be ginally
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Petitic	oner: This	s Par	t of the	Form is	for the Sign P	ost	er Only				
					INISTRATIVE \						•
Case	Number 9	9-	115	-A	Address Mc Combs	4	05 D	eacon	Brook	Circ	<u>le</u>
Petitic	ner's Nam	e	Don	ald,	Mc Combs		·	Telephon	e <u>410 - 8</u>)33- <i>)2</i> .	53
Postii	ng Date:		9/2	7/98		CI	osing Date	:	12/98		
Wordi	ng for Sigr	n: _ <i>_1</i>	o Permi	t a	rear yard		setback	of 20	fret	in 1	ieu
<u>\$</u> +	the	requ	ired	30	feet.					.,,	
		· ···					<u> </u>		···		
		/-	*								

WCR - Revised 7/2/98

#115



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

AJ:ggs

(Revised 09/24/96)



	reviewed by: ITEM #; CASE#:	date: Scale of Drawing: 1"=
T	Zoning Office USE ONLY!	
	WATER:	
	Lot size: acreage square feet public private SEWED.	
	1"=200' scale map#:	
	Election District: Councilmanic District:	
	LOCATION INFORMATION	
	Worth Scale: 1°=1000°	
	-	
a received a final		
	,	plat book#,follo#,iot#,section#
0		ADDRESS: see pages 5
Ω	Special Hearin	Plat to accompany Petition for Zoning Variance

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: October 5, 1998

Department of Permits & Development

Management

pobert W. Bowling, Chief Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for October 5, 1998 Item Nos. (115,) 116, 118, and 119

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Parris N. Glendening Governor

David L. Winstead Secretary

Parker F. Williams Administrator

Date:

9.25.91

Ms. Gwen Stephens Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County

Item No. 115

BR

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (Igredlein@sha.state.md.us).

Very truly yours,

Ronald Burns, Chief

P. J. Dolle

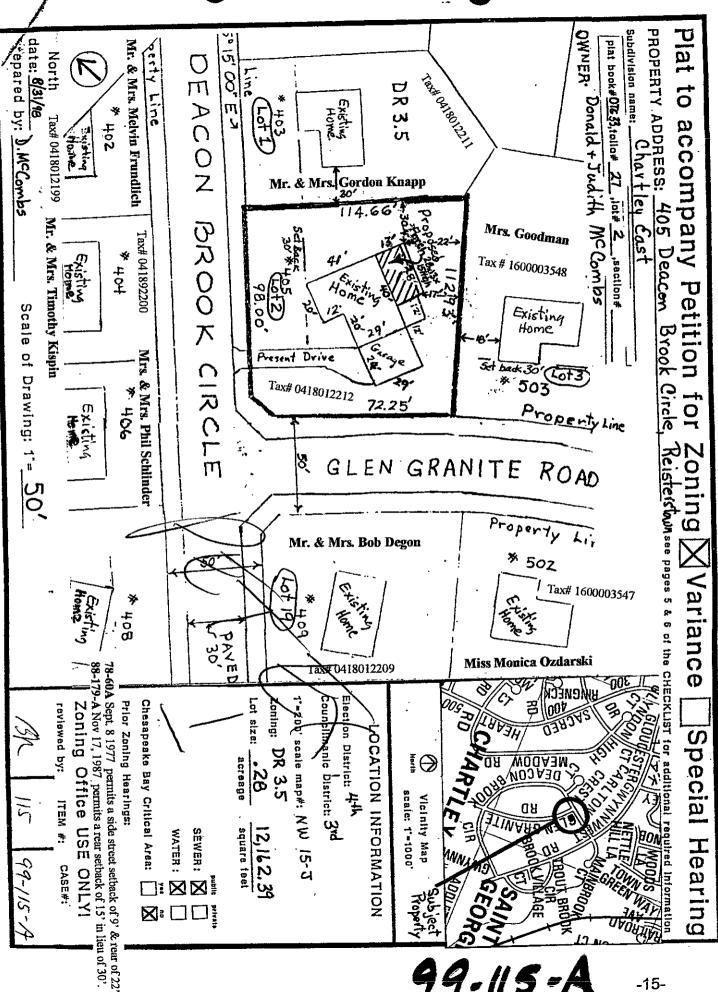
Engineering Access Permits

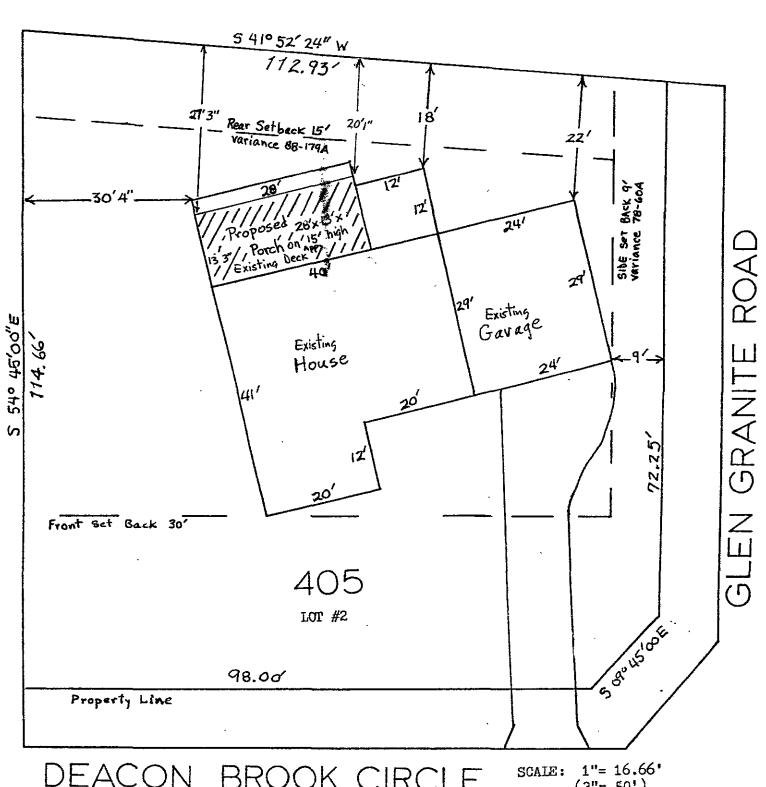
Division

LG

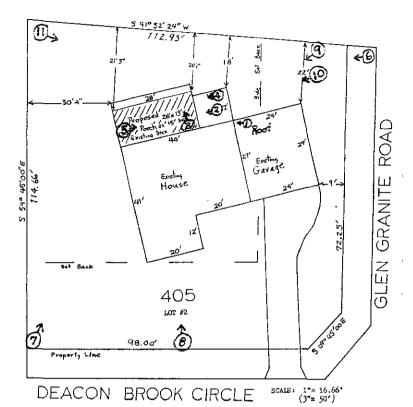
Month and the

October 11, 1998 To Whom It Way Concern: I en requestiré à public hearing on Care # 99-115A, 405 Dearonbrook Wiele 16.C-8. Rose Soodwan 503 Glen Gravite Rd. Leistenstown Wed. 21136 10/15/98 phone # 410-833-7549 WCR 5 1998 1



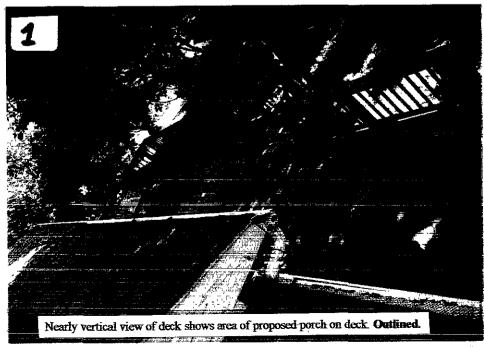


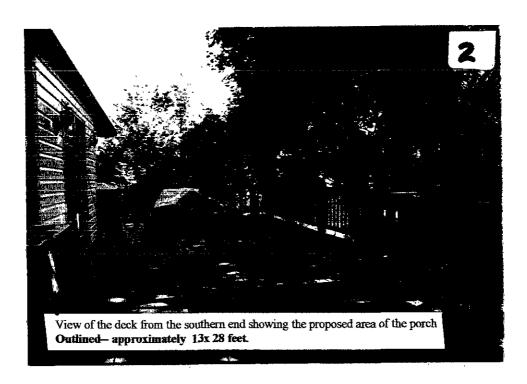
DEACON BROOK CIRCLE 1"= 16.66' (3"= 50')

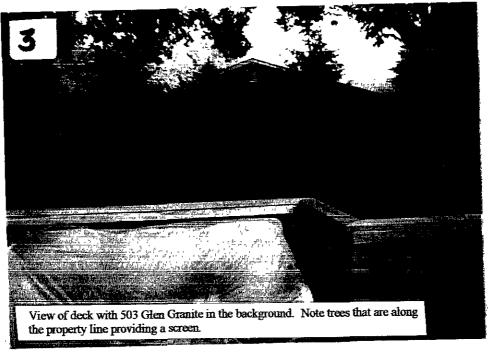


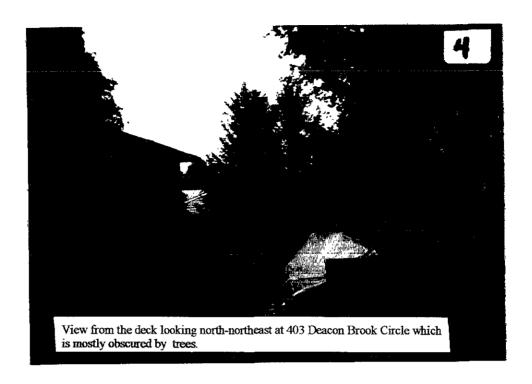
Numbers correspond to humbers on photographs and indicated where the pictures were taken.

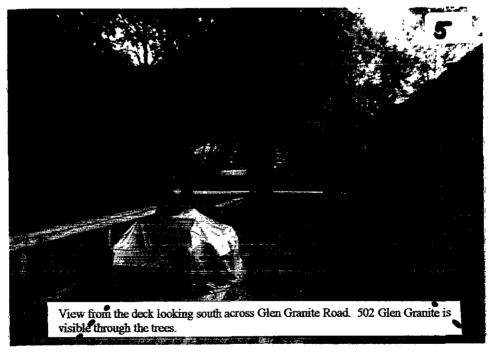
Arrows indicate direction of camera.

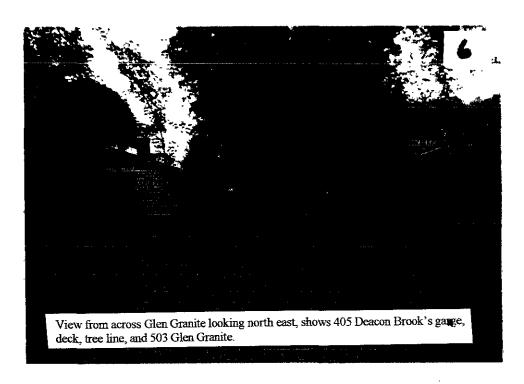


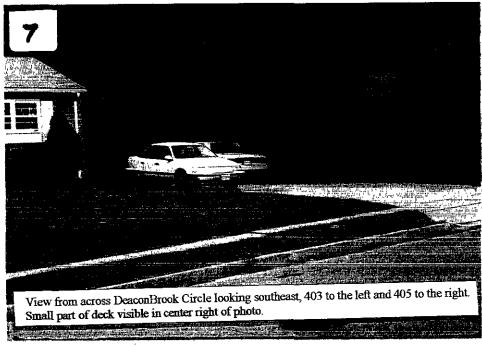


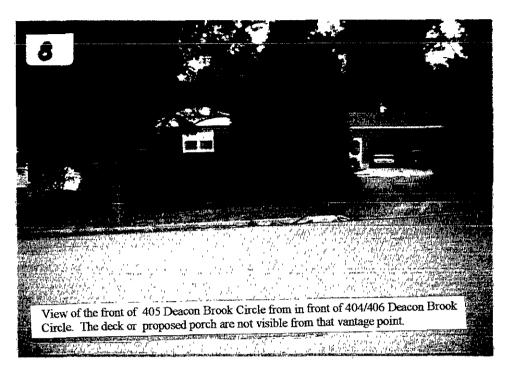


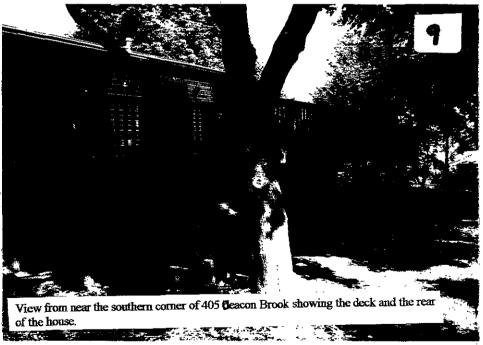


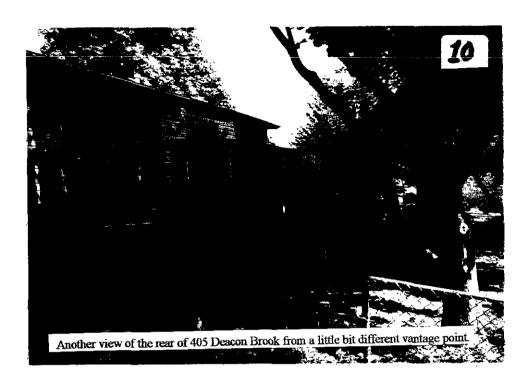


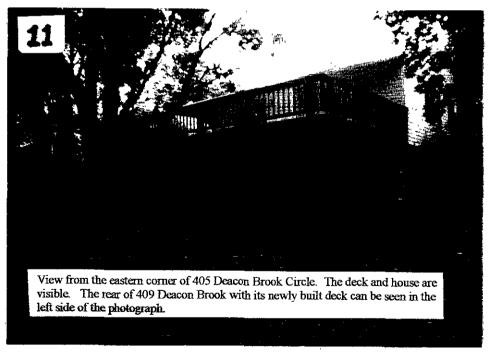


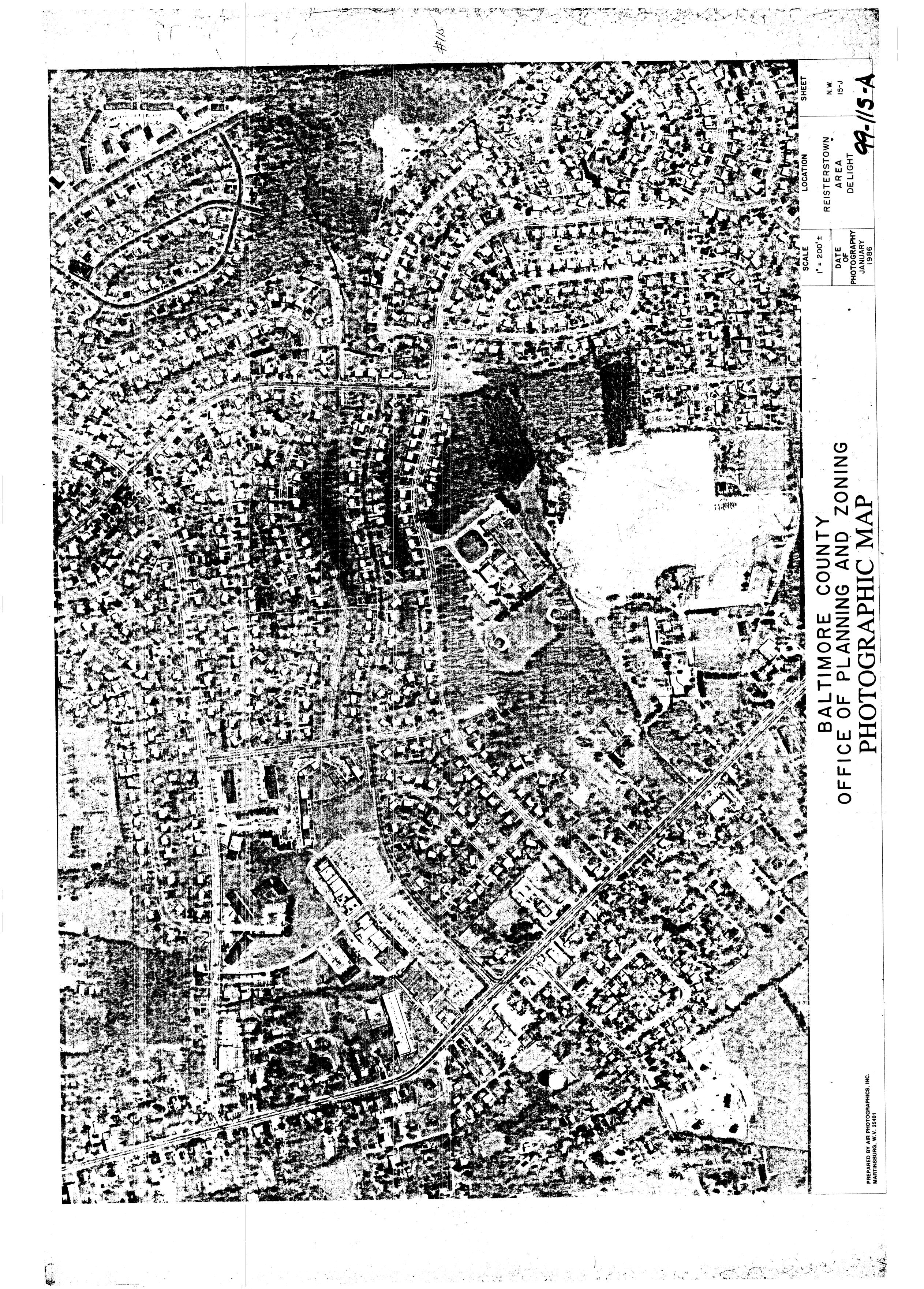


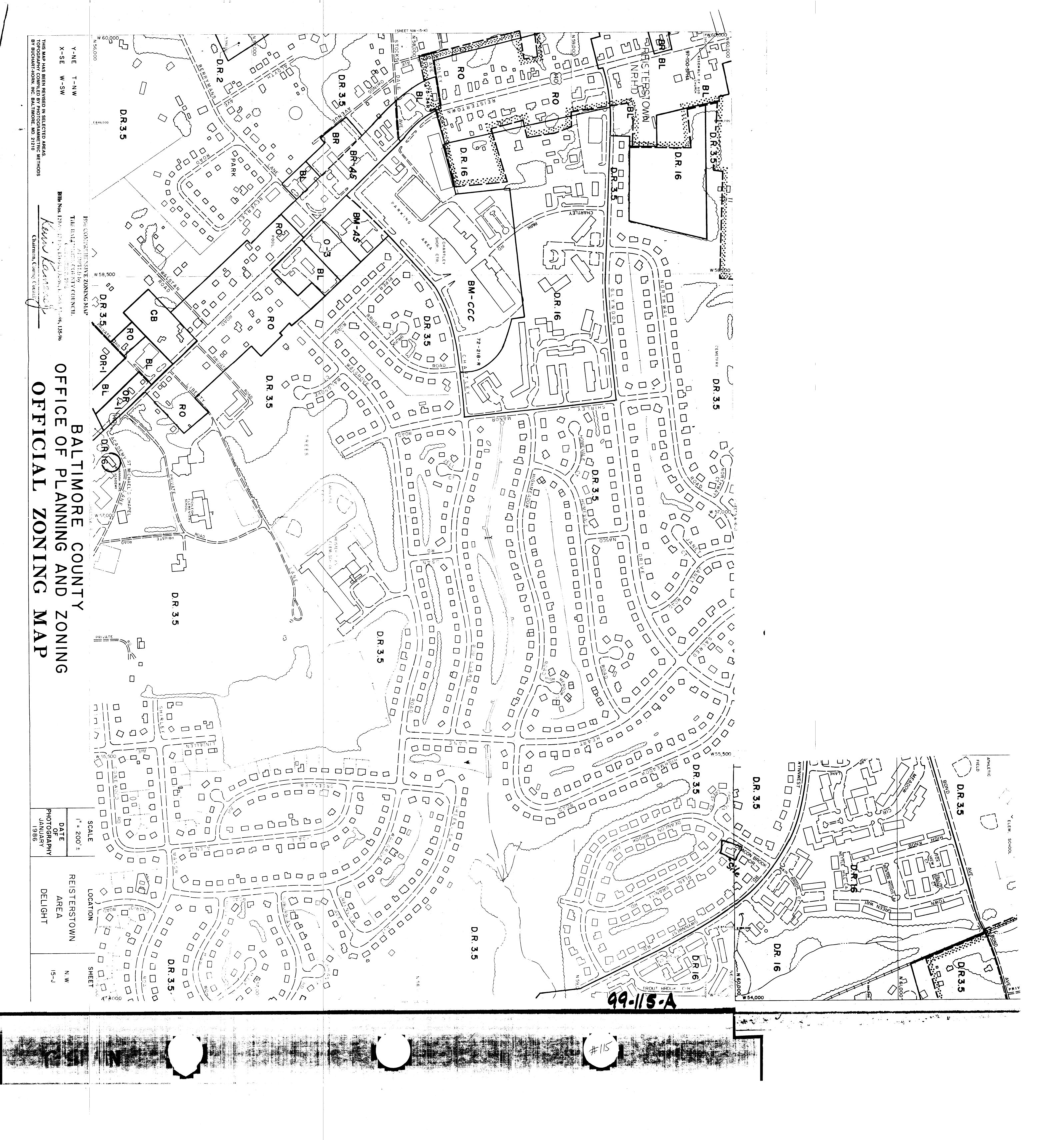












ALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TQ:

MOP

FROM:

R. Bruce Seeley RO3/90 Permits and Development Review

DEPRM

SUBJECT: Zoning Advisory Committee

Meeting Date:

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

118

119

99-93-57#

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

Date: September 28, 1998

Department of Permits

and Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comment on the following petition (s):

Item No (s): 113(115,117, 118, and 119

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

AFK/JL

